

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM
SULLIVAN, RICHARD SPELLMAN,
BARBARA TAGLIARINO, KEVIN SULLIVAN,
ALICIA COVIELLO, and GARY MANSFIELD,
Defendants

Civil Action No. 0412164MLW

**MOTION OF DEFENDANTS SEARS, ROEBUCK AND CO.,
WILLIAM SULLIVAN, RICHARD SPELLMAN, BARBARA TAGLIARINO,
KEVIN SULLIVAN AND ALICIA COVIELLO FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants, Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino, Kevin Sullivan and Alicia Coviello (the “Sears Defendants”), hereby move for summary judgment. As grounds for this motion, the Sears Defendants state that the undisputed evidence demonstrates that the plaintiff will be unable to establish the essential elements of his remaining claims and that summary judgment should be entered in favor of the Sears Defendants on Counts I, II, III, VI and VII of his complaint. The grounds for this motion are set forth more fully in The Sears Defendants’ Statement of Undisputed Facts Pursuant to Local Rule 56.1 and accompanying exhibits, as well as the Memorandum of Defendants, Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino, Kevin Sullivan and Alicia Coviello in Support of Their Motion for Summary Judgment, filed herewith.

WHEREFORE, the Sears Defendants request this Court to grant their motion and to enter judgment in their favor on Counts I, II, III, VI and VII of the plaintiff's complaint.

SEARS, ROEBUCK AND CO., WILLIAM SULLIVAN, RICHARD SPELLMAN, BARBARA TAGLIARINO, KEVIN SULLIVAN and ALICIA COVIELLO
By their Attorneys,

/s/ Christine M. Netski
Christine M. Netski, (BBO No. 546936)
Liza J. Tran (BBO No. 646818)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114
(617) 227-3030
netski@srbc.com
tran@srbc.com

DATED: January 5, 2007

CERTIFICATE OF SERVICE

I, Christine M. Netski, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 5, 2007.

/s/ Christine M. Netski
Christine M. Netski
netski@srbc.com

#384422